

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

VS.

\*

CRIMINAL NO.: RDB-14-0186

RICHARD BYRD,

\*

a/k/a "Robert Smith,"

\*

Defendant.

\*

\*\*\*\*\*

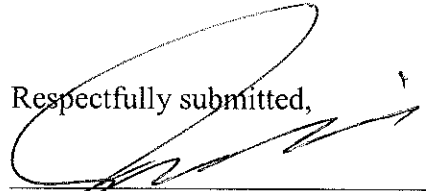
**MOTION TO SUPPRESS EVIDENCE SEIZED DURING THE SEARCH OF A  
VEHICLE IN FREDERICK COUNTY, MARYLAND ON SEPTEMBER 6, 2013**

Richard Byrd, by and through his attorney, David R. Solomon, Esquire, hereby moves this Honorable Court to suppress all evidence seized as a result of the unlawful search of a vehicle on September 6, 2013. In support of this Motion, counsel states the following:

- 1) The Defendant has been charged by a Second Superseding Indictment with Conspiracy to Distribute and Possess with Intent to Distribute Cocaine and Marijuana in violation of 21 U.S.C., § 846; Conspiracy to Launder Money in violation of 18 U.S.C., § 1956(h); Forfeiture in violation of 17 U.S.C., § 982; and, 21 U.S.C., § 853(a)(1). Trial in this case is scheduled for September 12, 2016.
- 2) The Second Superseding Indictment stems, in part, from the execution of a vehicle search taking place in Frederick County, Maryland on September 6, 2013. Because the search of the vehicle was not based on probable cause, and because the officers were not entitled to rely on it in good faith, the search of the vehicle was invalid, and any evidence obtained as a result must be suppressed.
- 3) Because the search was not executed properly, any evidence or statement obtained as a result must be suppressed.

WHEREFORE, Mr. Byrd respectfully moves this Honorable Court to suppress any evidence obtained as a result of the unlawful search of a vehicle in Federick County, Maryland on September 6, 2013.

Respectfully submitted,

  
\_\_\_\_\_  
DAVID R. SOLOMON, ESQ.  
201 N. Charles Street, Suite 1717  
Baltimore, Maryland 21021  
Phone No.: 410-244-8822  
Fax No. : 410-625-1028  
[drsolomonlaw@gmail.com](mailto:drsolomonlaw@gmail.com)

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. Fourth Amendment to the United States Constitution;
2. United States v. Leon, 468 U.S. 897 (1984);
3. California v. Greenwood, 486 U.S. 35 (1988);
4. United States v. Lalor, 996 F.2d 1578 (1993);
5. Whiteley v. Warden, Wyoming State Penitentiary, 401 U.S. 560, 564-65 (1971);
6. Lee v. State, 139 Md. App. 79 (2001);
7. Gould v. Davis, 165 F.3d 265 (4<sup>th</sup> Cir. 1998);
8. Wong Sun v. United States, 371 U.S. 471 (1963).

  
\_\_\_\_\_  
DAVID R. SOLOMON, ESQ.

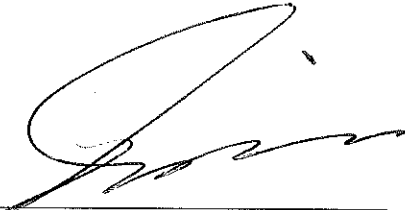
**REQUEST FOR HEARING**

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, the Defendant requests a hearing on this Motion.

  
\_\_\_\_\_  
DAVID R. SOLOMON, ESQ.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of July, 2016, a copy of the foregoing Motion To Suppress Evidence Seized During The Search Of A Vehicle In Frederick County, Maryland on September 6, 2013 was filed via CM/ECF to James G. Warwick, Esquire and Kenneth S. Clark, Assistant United States Attorneys.

  
\_\_\_\_\_  
DAVID R. SOLOMON, ESQ.